

**CHAPTER 1****Authority and Organization****1.1 AUTHORITY**

The Communications Act of 1934, as amended, provides for the regulation of interstate and foreign commerce in communication by wire or radio. This Act is printed in Title 47 of the U.S. Code, beginning with Section 151. Pamphlet copies of the Act, as revised, may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

The functions relating to assigning frequencies to radio stations belonging to and operated by the United States, or to classes thereof, conferred upon the President by the provisions of Section 305(a) of the Communications Act of 1934, were transferred to the Secretary of Commerce by Reorganization Plan No. 1 of 1977 and Executive Order 12046 of March 26, 1978. The National Telecommunications and Information Administration (NTIA) Organization Act, as revised, directs the Secretary to assign to the Assistant Secretary and the NTIA the responsibility for the performance of the Secretary's communications and information functions, including those above.

These functions were transferred to the Assistant Secretary of Commerce for Communications and Information (Administrator, NTIA) by Department of Commerce Organization Order 10-10 of October 5, 1992. The text of this order is reproduced below.

**ASSISTANT SECRETARY FOR  
COMMUNICATIONS AND INFORMATION*****Section 1. Purpose.***

.01 This order established the National Telecommunications and Information Administration (NTIA) and prescribes the scope of authority and the functions of the Assistant Secretary, NTIA. The organizational structure and the assignment of functions are prescribed in Department Organization Order 25-7.

.02 This order also shares an authority for the

investigation of non-ionizing radiation between NTIA and NBS (subparagraph 5.01c.).

***Section 2. Administrative Designation.***

The position of Assistant Secretary of Commerce for Communications and Information (the "Assistant Secretary") was established by Section 4 of Reorganization Plan No. 1 of 1977. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

***Section 3. Scope of Authority.***

.01 The National Telecommunications and Information Administration is hereby established as an operating unit of the Department of Commerce.

.02 The Assistant Secretary shall head NTIA as the Administrator.

.03 The Deputy Assistant Secretary for Communications and Information, who shall also serve as the Deputy Administrator of NTIA, shall perform such functions as the Assistant Secretary shall from time to time assign or delegate, and shall act as Assistant Secretary during the absence or disability of the Assistant Secretary or in the event of a vacancy in the office of the Assistant Secretary.

***Section 4. Transfer of Functions.***

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, Sections 4 and 5.B of Reorganization Plan No. 1 of 1977 and Executive Order No. 12046 of March 26, 1978:

a. The functions, personnel, funds, property, and records transferred to the Secretary of Commerce pursuant to Reorganization Plan No. 1 of 1977 are hereby transferred to the NTIA.

b. The functions, personnel, funds, property, and records of the Office of Telecommunications, Department of Commerce, are hereby transferred to the NTIA.

c. The effective date of such transfers shall be determined by the Assistant Secretary for Ad-

ministration, in consultation with the Assistant Secretary.

### ***Section 5. Delegation of Authority.***

.01 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary is hereby delegated the authority vested in the Secretary of Commerce under:

a. Section 5.B of Reorganization Plan No. 1 of 1977, and by Executive Order No. 12046, including:

1. Subsection 201(a) of the Communications Satellite Act of 1962 (47 U.S.C. 701 *et seq.*) as amended to advise and assist the President in connection with the functions previously conferred upon the President as described more particularly in Part B, Section 7 of Executive Order No. 12046.

2. Subsection 305(a) of the Communications Act of 1934 (47 U.S.C. § 305(a)) to assign frequencies to, and amend, modify, and revoke frequency assignments for radio stations belonging to and operated by the United States, subject to the disposition of appeals by the Director, Office of Management and Budget (OMB), and make frequency allocations.

3. Subsection 305(d) of the Communications Act of 1934, as amended (47 U.S.C. § 305(d)), to authorize a foreign government to construct and operate a radio station at the seat of government. Authorization for the construction and operation of a radio station pursuant to this subsection and the assignment of a frequency for its use shall be made only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairperson of the Federal Communications Commission.

b. 15 U.S.C. 272 (12) and (13), which relate to the investigation of the conditions which affect transmission of radio waves and to the compilation and distribution of information about such transmissions;

c. 15 U.S.C. 272(9), the functions which relate to the investigation of, non-ionizing radiation, its uses, and means of protection of persons from harmful effects, to the extent appropriate to coordination of research

throughout the Executive Branch.

.02 The Assistant Secretary may exercise other authorities of the Secretary to the extent applicable to performing the functions assigned in this order. This includes the use of administrative and monetary authorities contained in 15 U.S.C. 271 *et seq.*, as may be necessary or desirable to perform the NTIA functions; and the authority to foster, promote, and develop the foreign and domestic commerce of the United States in effecting, and as such commerce may be affected by, the development and implementation of telecommunications and information systems.

.03 The Assistant Secretary may redelegate any authority conferred by this order to any employee of the NTIA, and may authorize further redelegation by any such employee as appropriate, subject to such conditions as may be prescribed.

### ***Section 6. General Functions and Objectives.***

The Assistant Secretary shall:

.01 Serve as the President's principal advisor on telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

.02 Advise the Director, OMB on the development of policies for procurement and management of Federal telecommunications systems.

.03 Conduct studies and evaluations concerning telecommunications research and development, the initiation, improvement, expansion, testing, operation, and use of Federal telecommunications systems and programs, and make recommendations concerning their scope and funding to appropriate agency officials and to the Director, OMB.

.04 Develop and set forth, in coordination with the Secretary of State and other interested agencies, plans, policies, and programs which relate to international telecommunications issues, conferences, and negotiations. The Assistant Secretary shall coordinate economic, technical, operational, and related preparations for U.S. participation in international telecommunications conferences and negotiations; provide advice and assistance to the Secretary of State with respect to international telecommunications policies to strengthen the position and serve the best interests of the United

States in the conduct of foreign affairs.

.05 Provide for the coordination of the telecommunications activities of the Executive Branch and assist in the formulation of policies and standards for the telecommunications activities of the Executive Branch including considerations of interoperability, privacy, security, spectrum use, and emergency readiness.

.06 Develop and set forth telecommunications policies pertaining to the Nation's economic and technological advancement and the regulation of the telecommunications industry.

.07 Ensure that the Executive Branch views on telecommunications matters are effectively presented to the Federal Communications Commission and, in coordination with the Director, OMB, to the Congress.

.08 Assign frequencies to, and amend, modify, and revoke frequency assignments for radio stations belonging to and operated by the United States, make frequency allocations, establish policies concerning spectrum assignment allocation and use, and provide the various departments and agencies with guidance to assure that their conduct of telecommunications activities is consistent with these policies.

.09 Develop, in cooperation with the Federal Communications Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources, including jointly determining the National Table of Frequency Allocations.

.10 Conduct studies and develop, set forth or recommend policies concerning the impact of the convergence of computer and communications technology and the emerging economic and social implications of the greater ability to originate, manipulate and move information.

.11 Coordinate Federal telecommunications assistance to State and local governments; conduct studies to identify and provide assistance to remove barriers to telecommunications applications; conduct needs assessments to aid in the design of telecommunications services and provide experimental and pilot tests of telecommunications applications to fulfill national goals; and provide for the application of telecommunications technologies and services to avoid waste and achieve an efficient delivery of

public services in the furtherance of national goals.

.12 Participate with and perform staff services for the National Security Council and the Director, Office of Science and Technology Policy in carrying out their functions under Executive Order No. 12046.

.13 Participate in evaluating the capability of telecommunication resources in recommending remedial actions and in developing policy options.

.14 Review and coordinate research into the side effects of non-ionizing electromagnetic radiation and coordinate, develop and set forth plans, policies, and programs therefor.

.15 Acquire, analyze, synthesize and disseminate data and perform research in general on the description and prediction of electromagnetic wave propagation and the conditions which affect propagation, on the nature of electromagnetic noise and interference, and on methods for the more efficient use of the electromagnetic spectrum for telecommunications purposes; and prepare and issue predictions of electromagnetic wave propagation conditions and warnings of disturbances in those conditions.

.16 To the extent it is deemed necessary to continue the Interdepartment Radio Advisory Committee (IRAC), that Committee shall serve in an advisory capacity to the Assistant Secretary.

.17 Perform analysis, engineering, and administrative functions, including the maintenance of necessary files and data bases, as necessary in the performance of assigned responsibilities for the management of electromagnetic spectrum.

.18 Conduct research and analysis of electromagnetic propagation, radio systems characteristics, and operating techniques affecting the utilization of the electromagnetic spectrum, in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility.

.19 Conduct research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other Government agencies.

.20 Conduct and coordinate economic and technical analyses of telecommunications policies, activities, and opportunities in support of assigned responsibilities.

.21 Make grants, enter into cooperative agreements, or make proposals for contracts related to any aspect of assigned responsibilities, in accordance with Department rules.

.22 Issue such rules and regulations as may be necessary to carry out the functions delegated by this order.

.23 Conduct such other activities as are incident to the performance of telecommunications and information functions assigned in this order.

#### ***Section 7. Support Services.***

The Assistant Secretary for Administration, in consultation with the Assistant Secretary, shall ensure that other organizations of the Department provide to NTIA, as appropriate, specified personnel and other administrative support services, and accounting and payroll services after consultation with the head of the operating unit concerned.

#### ***Section 8. Transitional Provisions.***

All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, proceedings, hearings, investigations, or other actions issued, undertaken, pending, or entered into by or for OT, or OTP with respect to functions

transferred to the Secretary by Section 5.B of Reorganization Plan No. 1 of 1977, shall continue and remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

#### ***Section 9. Effect on Other Orders.***

This order supersedes Department Organization Order 30-5A, Office of Telecommunications, of July 13, 1972, and constructively amends all Department orders which refer to the Office of Telecommunications.

### **1.2 NTIA AND ITS FREQUENCY MANAGEMENT SUPPORT ORGANIZATION**

As indicated in the following charts, frequency management within NTIA is under the direction of its Associate Administrator, Office of Spectrum Management, which, among other things, provides the staff for the Interdepartment Radio Advisory Committee (IRAC). The IRAC and the Spectrum Planning and Policy Advisory Committee (SPAC) serve in an advisory capacity to the Assistant Secretary. Details of these organizations are contained in the remaining parts of this chapter.

(FULL PAGE ART)

NTIA Organization Chart

(FULL PAGE ART)

OSM Organization Chart

### 1.3 INTERDEPARTMENT RADIO ADVISORY COMMITTEE

#### 1.3.1 Status

The Interdepartment Radio Advisory Committee (IRAC), organized by mutual agreement of the Government departments concerned on June 1, 1922, reconstituted on October 6, 1952, with status, mission, and functions officially defined on December 10, 1964, was continued by the Assistant Secretary pursuant to Executive Order 12046 of March 27, 1978 and the National Telecommunications and Information Administration Organization Act, as revised. The IRAC serves in an advisory capacity to the Assistant Secretary and reports to the Deputy Associate Administrator, Office of Spectrum Management.

#### 1.3.2 Composition

The IRAC shall consist of a representative appointed by each of the following member departments and agencies:

Agriculture  
Air Force  
Army  
Broadcasting Board of Governors  
Coast Guard  
Commerce  
Department of Energy  
Federal Aviation Administration<sup>1</sup>  
Federal Emergency Management Agency  
General Services Administration  
Health and Human Services  
Interior  
Justice  
National Aeronautics and Space Administration  
National Science Foundation  
Navy  
State  
Treasury  
U.S. Postal Service  
Department of Veterans Affairs

together with such other departments and agencies as the Deputy Associate Administrator, Office of Spectrum Management may hereafter designate.

The following nonmembers are represented, at their request, through the IRAC Representative of

the member shown:

Agency	Represented by
Federal Reserve System	Treasury
International Boundary and Water Commission (U.S. Section)	Interior
Tennessee Valley Authority	Interior

Liaison between the IRAC and the Federal Communications Commission (FCC) is effected by a representative appointed by the Commission to serve in that capacity.

#### 1.3.3 Mission

The mission of the IRAC shall be to assist in the discharge of the Assistant Secretary's responsibilities pertaining to the use of the electromagnetic spectrum, as contained in Executive Order 12046, the National Telecommunications and Information Administration Organization Act, as revised and Department of Commerce Order 10-10.

#### 1.3.4 Functions

The basic functions of the IRAC shall be to assist the Assistant Secretary in assigning frequencies to U.S. Government radio stations and in developing and executing policies, programs, procedures, and technical criteria pertaining to the allocation, management, and use of the spectrum.

The basic role of representatives appointed to serve on the IRAC shall be to function, when in Committee, in the interest of the United States as a whole.

#### 1.3.5 Staff Support

The officers of the IRAC and the Chairpersons of its Subcommittees will be appointed by the National Telecommunications and Information Administration (NTIA).

#### 1.3.6 Internal Mechanisms

The IRAC may establish such bylaws and procedures as it considers necessary to discharge its functions.

## 1.4 INTERNAL MECHANISMS OF THE IRAC

### 1.4.1 Substructure

The IRAC's substructure consists of the Emergency Planning Subcommittee (EPS), the Frequency Assignment Subcommittee (FAS), the Radio Conference Subcommittee (RCS), the Spectrum Planning Subcommittee (SPS), the Technical Subcommittee (TSC), the International Notification Group (ING), and the Secretariat. In addition, the IRAC has from time to time various ad hoc groups. The substructure of the FAS consists of the Aeronautical Assignment Group (AAG), the Military Assignment Group (MAG), and from time to time various working groups. The substructure of the SPS consists of the Space Systems Group (SSG) and from time to time various working groups. The substructure of the TSC consists, from time to time, of various working groups.

The Aeronautical Assignment Group (AAG), chaired by the Federal Aviation Administration, is responsible for engineering AAG frequency assignments and determining whether or not applications for frequency assignment action in the following bands should be approved by NTIA.

190-285 kHz  
 285-435 kHz\*  
 510-535 kHz\*  
 74.800-75.200 MHz  
 108.000-121.9375 MHz  
 123.5875-128.8125 MHz  
 132.0125-137.000 MHz  
 328.600-335.400 MHz  
 978-1020 MHz inclusive  
 1030 MHz  
 1031-1087 MHz inclusive  
 1090 MHz  
 1104-1146 MHz inclusive  
 1157-1213 MHz inclusive  
 5000-5250 MHz

\* In these bands only applications for stations in the Aeronautical Radionavigation Service (see Table A, Section 6.1.4) shall be sent to the Chairman of the AAG.

The Military Assignment Group (MAG), chaired by the Department of the Air Force, is responsible for determining whether or not applications for frequency assignment action in the bands 225.0-

328.6 and 335.4-399.9 MHz should be approved by NTIA.

The SSG, Chaired by NTIA, is authorized to initiate action after coordination with the Deputy Associate Administrator, Office of Spectrum Management for the advance publication, international coordination and notification of space systems and to respond to such data from other administrations.

### 1.4.2 Bylaws

#### Article I - Name and Location

**Section 1** - The Committee shall be known as the Interdepartment Radio Advisory Committee (IRAC).

**Section 2** - The office of the IRAC shall be at the seat of the Federal Government.

#### Article II - Mission, Functions, and Role

**Section 1** - The mission of the IRAC is to assist in the discharge of the Assistant Secretary's responsibilities pertaining to the use of the electromagnetic spectrum, as contained in Executive Order 12046, the National Telecommunications and Information Administration Organization Act, as revised and Department of Commerce Order 10-10.

**Section 2** - The basic functions of the IRAC are to assist the Assistant Secretary in assigning frequencies to U.S. Government radio stations and in developing and executing policies, programs, procedures, and technical criteria pertaining to the allocation, management, and use of the spectrum.

**Section 3** - The basic role of representatives appointed to serve on the IRAC is to function, when in Committee, in the interest of the United States as a whole.

#### Article III - Composition

**Section 1** - The IRAC shall consist of a representative appointed by each of the following member departments and agencies:

Agriculture  
 Air Force  
 Army



Broadcasting Board of Governors  
 Coast Guard<sup>2</sup>  
 Commerce  
 Department of Energy  
 Federal Aviation Administration<sup>3</sup>  
 Federal Emergency Management Agency  
 General Services Administration  
 Health and Human Services  
 Interior<sup>4</sup>  
 Justice  
 National Aeronautics and Space Administration  
 National Science Foundation  
 Navy  
 State  
 Treasury<sup>5</sup>  
 U.S. Postal Service  
 Department of Veterans Affairs

together with such other departments and agencies as the Deputy Associate Administrator, Office of Spectrum Management may hereafter designate.

**Section 2** - Liaison between the IRAC and the Federal Communications Commission (FCC) is effected by a representative appointed by the Commission to serve in that capacity.

**Section 3** - Applications for additional membership shall be addressed to the Deputy Associate Administrator, Office of Spectrum Management. Alternatively, a Government department or agency may designate one of the members to act as its accredited agent on the IRAC or any of its Subcommittees.

**Section 4** - Each member of the IRAC shall have the right to accredit an alternate to function in the absence of its representative. In the absence of its accredited representative and alternate, a member agency may designate a temporary alternate. Any representative or alternate may be accompanied to meetings of the IRAC by such assistants as desired. Each representative and alternate shall be an officer or employee of the department or agency they represent, except as provided in Section 1 of this Article.

## Article IV - Officers

**Section 1** - The officers of the IRAC shall consist of a Chairperson, Vice Chairperson, and an Executive Secretary.

**Section 2** - The officers of the IRAC and the Chairperson of its Subcommittees will be appointed

by the NTIA.

## Article V - Substructure

**Section 1** - The permanent substructure of the IRAC shall consist of the Emergency Planning Subcommittee (EPS), Frequency Assignment Subcommittee (FAS), the Spectrum Planning Subcommittee (SPS), the Technical Subcommittee (TSC), the Radio Conference Subcommittee (RCS), the International Notification Group (ING), and the Secretariat. The permanent substructure of the FAS shall consist of the Aeronautical Assignment Group (AAG) and the Military Assignment Group (MAG); the permanent substructure of the SPS shall consist of the Space Systems Group.

**Section 2** - The Frequency Assignment Subcommittee

a. The FAS shall have as its normal function the carrying out of those functions given in Article II related to the assignment and coordination of radio frequencies and the development and execution of procedures therefor.

b. The FAS shall consist of a representative appointed by each of the following member departments and agencies:

Agriculture  
 Air Force  
 Army  
 Broadcasting Board of Governors  
 Coast Guard<sup>6</sup>  
 Commerce  
 Department of Energy  
 Federal Aviation Administration<sup>7</sup>  
 Federal Communications Commission  
 Federal Emergency Management Agency  
 General Services Administration  
 Health and Human Services  
 Interior<sup>7</sup>  
 Justice  
 National Aeronautics and Space Administration  
 National Science Foundation  
 National Security Agency  
 Navy  
 Treasury<sup>7,7</sup>  
 U.S. Postal Service  
 Department of Veterans Affairs

together with such other members of the IRAC as the IRAC may hereafter designate and such nonmembers of the IRAC as the Deputy Associate

Administrator, Office of Spectrum Management may hereafter designate.

c. Liaison between the FAS and the FCC is effected by the FCC Representative to the FAS.

d. Each Federal Government department or agency involved in the use of radio frequencies shall be eligible for membership. Applications for membership shall be addressed to the Executive Secretary for appropriate action by the IRAC.

Applications for membership from non-members of the IRAC shall be forwarded to the Deputy Associate Administrator, Office of Spectrum Management with the recommendations of the IRAC.

e. A member shall forfeit its membership if an accredited representative has not been present for at least nine (9) of the preceding twelve (12) regular meetings of the FAS.

f. Each member of the FAS shall have the right to accredit an alternate to function in the absence of its representative. In the absence of its accredited representative and alternate, a member may designate a temporary alternate. Any representative or alternate may be accompanied to meetings of the FAS by such assistants as desired. Each representative and alternate shall be an officer or employee of the department or agency they represent, except as provided in Section 1 of Article III.

g. The officers of the FAS shall consist of a Chairperson, Vice-Chairperson, and a Secretary.

h. The AAG of the FAS is responsible for engineering AAG frequency assignments and determining whether or not applications for frequency assignment action in certain designated bands of primary concern to the aeronautical mobile and aeronautical radionavigation services should be approved by NTIA. The members of the AAG shall consist of the Federal Aviation Administration, the Federal Communications Commission, and the Departments of Air Force, Army, and Navy. Each representative shall be an officer or employee of the department or agency they represent, except as provided in Section 1, Article III. The Federal Aviation Administration shall designate one of its employees as the Chairperson of AAG. Any matter not unanimously agreed shall be referred to the FAS for appropriate action.

i. The MAG of the FAS is responsible for

determining whether or not applications for frequency assignments in certain designated bands of primary concern to the military agencies should be approved by NTIA. The members of the MAG shall consist of the Federal Aviation Administration and the Departments of the Air Force, Army, and Navy. Each representative shall be an officer or employee of the department or agency they represent, except as provided in Section 1, Article III. The Department of the Air Force shall designate one of its employees as the Chairperson of MAG. Any matter not unanimously agreed shall be referred to the FAS for appropriate action.

**Section 3** - The Spectrum Planning Subcommittee

a.1. The SPS will be responsible to the IRAC for the carrying out of those functions given in Article II that relate to planning for the use of the electromagnetic spectrum in the National interest to include the apportionment of spectrum space for the support of established or anticipated radio services, as well as the apportionment of spectrum space between or among Government and non-Government activities, and such other matters as the IRAC may direct.

2. In the furtherance of the above the SPS shall:

(a) Maintain a continuing appraisal of the current and future needs of the various radio services and make recommendations to the IRAC for changes in the Table of Frequency Allocations or other actions, as appropriate;

(b) Undertake preparatory work relating to frequency allocation matters for international conferences when so requested by the Main Committee;

(c) Consider:

(1) Current and planned National and International frequency uses, and the optimum placement of radio services with a view to the most effective use of spectrum in the overall National interest;

(2) The anticipated needs of all radio services at various points in the future, e.g., 5, 10, 15, and 20 years ahead;

(3) New developments in existing services;

(4) New techniques, the application of which may require revision of the Table of

## Frequency Allocations;

(5) New services for which the current Table makes no provisions;

(6) Specific proposals for expansion, reduction, or other changes in the allocated frequency bands; and the International aspects of changes recommended to the IRAC.

(d) In order to ensure electromagnetic compatibility among electronic systems and observance of the provisions of Section 8.2.5 of the NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management, develop procedures enabling the Subcommittee to:

(1) Develop and maintain pertinent documentation on all planned and operational satellite systems including their technical and operational characteristics;

(2) Ascertain in the early stages of system concept development, where compatibility may not exist;

(3) Make recommendations as to potential electromagnetic compatibility problem areas, and proposed courses of action to resolve these problems;

(4) Make recommendations as to technical parameters necessary to facilitate sharing between systems;

(5) Review as appropriate the effectiveness of existing systems with a view toward rectifying compatibility deficiencies.

b. The SPS shall consist of a representative appointed by each of the following member departments and agencies:

Agriculture  
Air Force  
Army  
Broadcasting Board of Governors  
Coast Guard<sup>8</sup>  
Commerce  
Department of Energy  
Federal Aviation Administration<sup>9</sup>  
Federal Emergency Management Agency  
General Services Administration  
Health and Human Services  
Interior<sup>9</sup>  
Justice  
National Aeronautics and Space Administration  
National Science Foundation  
Navy  
State

Treasury<sup>9,9</sup>

Department of Veterans Affairs

together with such other departments and agencies as subsequently become members of the IRAC.

c. Liaison between the SPS and the FCC is effected by a representative appointed by the Commission to serve in that capacity.

d. Regular attendance is encouraged; however, in light of the wide variety and specialized nature of subjects considered, attendance is left to the discretion of each member based on the current agenda;

e. Each member of the SPS shall have the right to accredit an alternate to function in the absence of its representative. In the absence of its accredited representative and alternate, a member may designate a temporary alternate. Any representative or alternate may be accompanied to meetings of the SPS by such assistants as desired. Each representative and alternate shall be an officer or employee of the department or agency they represent, except as provided in Section 1, Article III.

f. The officers of the SPS shall consist of a Chairperson, Vice-Chairperson and a Secretary.

g. The Space Systems Group (SSG) of the SPS shall, on behalf of the IRAC, take action to initiate after coordination with the Deputy Associate Administrator, Office of Spectrum Management the advance publication, international coordination and notification of Government space systems under the provisions of Articles S5, S9, and S11 (as applies to space only) of the ITU Radio Regulations (RR) and of Chapter 10 and to review and respond to the data furnished by other Administrations and the Radiocommunication Bureau regarding proposed space telecommunications systems in accordance with these (RR) articles. The SSG will assist the Chairperson, ING as required in the review, modification, development and maintenance of procedures for national implementation of Articles S5, S9, and S11 (as applies to space only). In accordance with Article V (Section 5 of the IRAC By-Laws), the SSG will normally process all international actions through the Chairperson of ING. The Members of the SSG shall consist of those departments and agencies represented on the

SPS who designate a representative, an FCC Liaison representative and the Chairperson of ING. Each representative shall be an officer or employee of the department or agency they represent, except as provided in Article III Section 1 of these By-Laws. The Space Systems Group will be chaired by the NTIA. SSG Members may refer items to the SPS or directly to the IRAC in accordance with Article VII, Section 8 of these By-Laws.

**Section 4 - The Technical Subcommittee**

a.1. The TSC shall have as its normal function the carrying out of those functions given in Article II that relate to the technical aspects of the use of the electromagnetic spectrum, and such other matters as the IRAC may direct.

2. In furtherance of the above, the TSC shall:

(a) develop recommended new standards and improvement of existing standards pertaining to use of the radio spectrum;

(b) maintain awareness of the radio propagation (including natural radio noise) programs and needs of the Government for purposes of evaluating and making recommendations leading to a better utilization of the radio spectrum;

(c) evaluate and make recommendations, in the form of technical reports, on new and existing techniques from the standpoint of their ability to optimize use of the radio spectrum (recommendations to include implementation steps); and,

(d) evaluate and make recommendations, in the form of technical reports, regarding the EMC capabilities and needs of the Government in support of spectrum management, including techniques and criteria leading to greater inter- and intra-radio service sharing of available spectrum and the reduction of man-made radio noise.

b.1. To the extent feasible, the TSC shall conduct its activities in working groups reporting thereon to the TSC.

2. The TSC shall evaluate current and proposed efforts regarding:

(a) the adequacy of the technical bases for spectrum management;

(b) the effectiveness of specific programs with regard to improved use of the spectrum; and

(c) the need for new criteria, procedures, and methodologies for use of the spectrum.

c. The TSC shall consist of a representative

appointed by each of the following member departments and agencies:

Agriculture  
Air Force  
Army  
Broadcasting Board of Governors  
Coast Guard<sup>10</sup>  
Commerce  
Department of Energy  
Federal Aviation Administration<sup>11</sup>  
Federal Emergency Management Agency  
Interior<sup>11</sup>  
Justice  
National Aeronautics and Space Administration  
Navy  
Treasury<sup>11</sup>

together with such other members of the IRAC as the IRAC may hereafter designate.

d. Liaison between the TSC and the FCC is effected by a representative appointed by the Commission to serve in that capacity.

e. Each member of the IRAC shall be eligible for membership on the TSC. Membership on the working groups shall be open to any Government department or agency whose representative is qualified by experience and education in the area of cognizance of the particular working group. Applications by the departments and agencies for membership shall be addressed to the Executive Secretary for appropriate action by the IRAC.

f. Regular attendance of the meetings of the TSC and working groups is encouraged; however, in light of the wide variety and specialized nature of subjects considered, attendance is left to the discretion of each member based on the current agenda.

g. Each member of the TSC shall have the right to accredit an alternate to function in the absence of its representative. In the absence of its accredited representative and alternate, a member may designate a temporary alternate. Any representative or alternate may be accompanied to meetings by such assistants as desired. Each representative and alternate shall be an officer or employee of the department or agency they represent, except as provided in Section 1, Article III.

h. Any number of agency personnel may be appointed to a working group with no distinction

being made as to representative or alternate. Each agency's representative (or alternate) on the TSC shall be that agency's coordinator and contact with respect to working group activities.

i. The officers of the TSC shall consist of a Chairperson, Vice-Chairperson and a Secretary.

j. The Chairperson of each working group will be appointed by the TSC Chairperson.

**Section 5** - The Radio Conference Subcommittee

a.1. The Radio Conference Subcommittee (RCS) will be responsible to the IRAC for the carrying out of those functions given in Article II that relate to preparing for ITU radio conferences, including the development of recommended U.S. proposals and positions.

2. In the furtherance of the above the RCS shall:

(a) Undertake preparatory work relating to international radio conferences;

(b) Develop recommended proposals for consideration at meetings of regional and international organizations which are addressing international radio conference issues;

(c) Maintain close liaison with related conference preparatory activities of the U.S. National Committee including the ITU Conference Preparatory Meetings held prior to Radiocommunication Conferences;

(d) Coordinate with other U.S. groups considering radio conferences related issues within other international and regional organizations such as the Interamerican Telecommunications Commission, the North Atlantic Treaty Organization, the European Radio Organization, the International Maritime Organization and the International Civil Aeronautics Organization;

(e) Take into account;

(1) Current and planned national and international frequency uses, and the optimum placement of radio services with a view to the most effective use of spectrum in the overall national interest;

(2) The anticipated needs of all radio services at various points in the future;

(3) New developments in existing services;

(4) New techniques, the application of which may require revision of regulations

concerning radio frequency matter; and,

(5) New services for which the current regulations makes no provisions.

b. The RCS shall consist of a representative appointed by each of the following member departments and agencies:

Agriculture  
Air Force  
Army  
Broadcasting Board of Governors  
Coast Guard  
Commerce  
Department of Energy  
Federal Aviation Administration  
Federal Emergency Management Agency  
Health and Human Services  
Interior  
Justice  
National Aeronautics and Space Administration  
National Science Foundation  
National Security Agency  
Navy  
State  
Treasury  
Department of Veterans Affairs

together with such other members of the IRAC as the IRAC may hereafter designate and such non-members of the IRAC as the Deputy Associate Administrator, Office of Spectrum Management may hereafter designate.

c. Liaison between the RCS and the FCC is effected by a representative appointed by the Commission to serve in that capacity.

d. Each Federal Government department or agency involved in the use of radio frequencies shall be eligible for membership. Applications for membership shall be directed to the Executive Secretary for appropriate action by the IRAC. Applications for membership from non-members of the IRAC shall be forwarded to the Deputy Associate Administrator, Office of Spectrum Management with the recommendations of the IRAC.

e. Regular attendance is encouraged; however, in light of the wide variety and specialized nature of subjects considered, attendance is left to the discretion of each member based on the current agenda;

f. Each member of the RCS shall have the right to accredit an alternate to function in the absence of its representative. In the absence of its accredited representative and alternate, a member may designate a temporary alternate. Any representative or alternate may be accompanied to meetings of the RCS by such assistants as desired. Each representative, alternate, and assistant shall be an officer or employee of the department or agency they represent, except as provided in Section 1, Article III.

g. The officers of the RCS shall consist of a Chairman, Vice-Chairman, and a Secretary.

**Section 6 - The International Notification Group**

a. The ING shall have as its normal functions the preparation of responses to the International Telecommunication Union concerning questionnaires and other correspondence related to the notification of United States frequency assignments.

b. the ING shall consist of a representative appointed by each of the following member departments and agencies:

Air Force  
Army  
Coast Guard<sup>11</sup>  
Federal Aviation Administration  
Federal Communications Commission  
Justice  
National Aeronautics and Space Administration  
Navy

together with such other members of the IRAC as the IRAC may hereafter designate.

c. Each representative shall be an officer or employee of the department or agency they represent, except as provided in Section 1, Article III. Any representative may be accompanied to meetings of the ING by assistants.

d. The representative appointed by the Federal Communications Commission shall serve as Chairperson of the ING.

e. Only members of the ING are entitled to vote.

**Section 7 - The Emergency Planning Subcommittee (EPS)**

a. 1. In general, formulate, guide, and review National Security Emergency Preparedness (NSEP) planning for spectrum-dependent systems.

2. In the furtherance of the above the EPS

shall specifically:

(a) Maintain the NTIA Emergency Readiness Plan for Use of the Radio Spectrum (ERP), Parts I, II, III, IV, and V to reflect current plans and procedures;

(b) Review, in accordance with the provisions of Chapters 1, 7, and 10, NTIA Manual (Sections 1.4.2 (Article V, Section 7), 7.3.3, 10.0.5, 10.4.1, 10.4.5, and 10.4.7), the war emergency functions supported by spectrum-dependent systems and their proposed, associated Telecommunications Service Priorities for Radiocommunications or TSP-Rs (spectrum-use priorities); and,

(c) Ensure emergency spectrum management planning and practice are in accordance with current NSEP telecommunications policy.

b. The EPS shall consist of a representative appointed by each of the following member departments and agencies:

Agriculture  
Air Force  
Army  
Broadcasting Board of Governors  
Coast Guard<sup>11</sup>  
Commerce  
Department of Energy  
DoD Director of Military Support\*  
Federal Aviation Administration<sup>11</sup>  
Federal Emergency Management Agency  
Health and Human Services  
Interior<sup>11</sup>  
Justice  
National Aeronautics and Space Administration  
National Communications System\*  
National Science Foundation  
National Security Agency  
Navy  
State  
Treasury<sup>11</sup>  
Department of Veterans Affairs

\*Observers

together with such other members of the IRAC as the IRAC may hereafter designate and such non-members of the IRAC as the Deputy Associate Administrator, Office of Spectrum Management may hereafter designate.

c. Liaison between the EPS and the FCC is effected by a representative appointed by the Commission to serve in that capacity.

d. Each Federal Government department or agency involved in the use of radio frequencies shall be eligible for membership. Applications for membership shall be directed to the Executive Secretary for appropriate action by the IRAC. Applications for membership from non-members of the IRAC shall be forwarded to the Deputy Associate Administrator, Office of Spectrum Management with the recommendations of the IRAC.

e. Regular attendance is encouraged; however, in light of the wide variety and specialized nature of subjects considered, attendance is left to the discretion of each member based on the current agenda;

f. Each member of the EPS shall have the right to accredit an alternate to function in the absence of its representative. In the absence of its accredited representative and alternate, a member may designate a temporary alternate. Any representative or alternate may be accompanied to meetings of the EPS by such assistants as desired. Each representative, alternate, and assistant shall be an officer or employee of the department or agency they represent, except as provided in Section 1, Article III.

g. The Officers of the EPS shall consist of a Chairman, Vice-Chairman, and a Secretary.

#### **Section 8 - The Secretariat**

a. The Secretariat shall consist of the Executive Secretary, who shall be its principal officer, the Assistant Executive Secretary, and the Secretaries of the Subcommittees, together with such clerical and technical personnel as are determined by the Deputy Associate Administrator, Office of Spectrum Management to be necessary to carry out the work of the IRAC.

b. The Executive Secretary shall be responsible for the administration of the affairs of the IRAC and of the Secretariat. The Executive Secretary shall:

- (1) function as Secretary of the IRAC;
- (2) appoint the Secretaries of the Subcommittees; and
- (3) provide the IRAC with the necessary secretarial, clerical, and technical assistance.

c. As the principal officer of the Secretariat, the Executive Secretary shall perform all necessary administrative and staff functions, reporting thereon

to the Chairperson of the Committee.

### **Article VI - Meetings**

**Section 1** - Meetings of the IRAC may be called by the Chairperson, and shall be called by the chairperson whenever requested by a majority of its members. In case of unavailability of the Chairperson or Vice-Chairperson, the Executive Secretary or any three (3) members of the IRAC may issue a call for a special meeting. All meetings of the Interdepartment Radio Advisory Committee (IRAC) shall be divided into open and closed portions. Attendance during the open portion of a meeting is unrestricted; however, attendance during the closed portion of a meeting is restricted to full-time officers and employees of the Federal Government and their assistants. An agenda for any given IRAC meeting shall include open items only if advanced arrangements have been made with the Program Manager of NTIA's Spectrum Openness Program. Discussions during the open portion of subjects related to the open agenda items announced for the meeting. Procedures for arranging and making a presentation to the IRAC are given in Chapter 11.

**Section 2** - The FAS shall fix the day or days of the month on which its regular meetings will be held. Normally one regular meeting shall be held each month. Special meetings may be called at the volition of the Chairperson or whenever requested by a majority of the members. In case of unavailability of the Chairperson or Vice-Chairperson, any three (3) members of the FAS may issue a call for a special meeting.

**Section 3** - The SPS shall fix its schedule of meetings. Regular meeting schedules shall be maintained as far as practicable as long as incompleting items remain on the agenda.

**Section 4** - A normal schedule of meetings of the TSC shall be established as directed by the nature and urgency of its current agenda. Normal meeting schedules shall be maintained as far as practicable as long as incompleting items remain on the agenda.

**Section 5** - To the maximum extent practicable, the work of the AAG and the MAG shall be conducted without formal meetings; however, meetings shall be convened at the request of any

member. Meetings of the ING shall be called at the volition of the Chairperson.

**Section 6** - A normal schedule of meetings of the SSG shall be established as directed by the nature and urgency of its current agenda. Normal meeting schedules shall be maintained as far as practicable as long as incomplete items remain on the agenda.

#### **Article VII<sup>12</sup> - Procedure and Voting**

**Section 1** - A majority of the members eligible to vote shall constitute a quorum for the transaction of business.

**Section 2** - All meetings shall be conducted in accordance with parliamentary procedure as outlined in Robert's Rules of Order.

**Section 3** - Except as provided in Section 4 of this Article, each of the members shall have one vote.

**Section 4** - On matters which are not the responsibility of the member by law or custom, the right to vote in a Subcommittee may not be exercised when the member has not been represented (by its accredited representative or alternate) at six (6) of the nine (9) preceding meetings of that particular Subcommittee.

**Section 5** - No proxies may be voted.

**Section 6** - In the event that unanimous agreement on a question is not obtained, a minority opinion may be filed in the record; the question may be referred to NTIA if so requested by any member.

**Section 7** - Motions are carried by a majority of the votes cast.

**Section 8** - An item under consideration by a Subcommittee or the ING shall be tabled and referred to the IRAC (1) upon the request of any member or the FCC; (2) if it is a matter for which policy has not heretofore been established; or (3) at the request of the IRAC.

**Section 9** - Amendments to these bylaws shall require the approval of not less than two-thirds of the members of the IRAC. Proposals to amend shall be documented and tabled for at least the interval between two regular meetings before they can be acted upon by the IRAC.

#### **Article VIII - Personnel Security Clearances**

**Section 1** - Representatives, alternates, and temporary alternates on the IRAC, the EPS, the FAS, the RCS, the SPS, the TSC, the AAG, the MAG, and the SSG, shall be cleared for access to SECRET information in accordance with standards established by Executive Order 12958, as amended, for positions designated as sensitive.

**Section 2** - Personnel participating as assistants, consultants, advisors, or as members of special groups shall possess a security clearance equal to the classification of the information being considered. Such clearances will be in accordance with standards established by Executive Order 12958, as amended.

**Section 3** - Inquiries related to the security clearance of personnel shall be addressed to the Security Officer, National Telecommunications and Information Administration, Herbert Hoover Building, 1401 Constitution Avenue, N.W., Room 4890, Washington, D.C. 20230.

**Section 4** - The Executive Secretary shall maintain a current record of approved clearances.

**Section 5** - The IRAC Secretariat will provide on an annual basis on or before 1 November, to the IRAC Representatives a listing of those representatives of IRAC and its Subcommittees, Ad Hoc Groups or Working Groups that currently hold a security clearance for access to IRAC sponsored meetings. The Representatives will review and amend this list as appropriate and forward it to their respective agency security office for validation of the clearance. The agency security office shall validate the list and return it to the Security Officer, NTIA, by 31 December of each year.

#### **Article IX - Safeguarding Official Information**

Security information is marked and handled in accordance with Executive Order 12958, e.g., CONFIDENTIAL, SECRET, etc.

#### **Article X - Documentation Procedures**

**Section 1** - Distribution of documents for consideration by the IRAC (including its subcommittees or ad hoc groups) will be restricted to the NTIA, FCC, IRAC or its subcommittees or ad hoc groups and the respective organizations present.



**Section 2** - Documents to be considered by the IRAC (including its subcommittees or ad hoc groups), not concerning subjects already on the agenda, must be submitted to the IRAC Executive Secretary in sufficient time (ten working days) to be processed and distributed prior to the scheduled meeting. If the document is received after the distribution date it will be placed on the agenda of the next scheduled meeting unless waived by the Chairperson.

**Section 3** - IRAC Subcommittee Chairpersons and Ad Hoc Group Conveners' status reports will be provided to the IRAC in January and July of each year. These reports are to include the accomplishments during the six-month period and the projected completion date of the assigned tasks outlined in the terms of reference.

**Section 4** - Documents submitted to the IRAC from the subcommittees and ad hoc groups must have the coordination or stated minority non-concurrence of the members of the respective subcommittee or ad hoc group. This does not preclude the referral of any item referenced in Article VII, Section 8.

## **1.5 SPECTRUM PLANNING AND POLICY ADVISORY COMMITTEE**

### **1.5.1 Establishment**

The former Frequency Management Advisory Council (FMAC) was established on July 19, 1965, and provided advice to the Director of the Office of Telecommunications Policy (OTP), Executive Office of the President. On March 27, 1978, Executive Order 12046 transferred certain functions of OTP to the Department of Commerce, National Telecommunications and Information Administration (NTIA). The FMAC provided advice on frequency management matters and was rechartered continually through April 1991, at which time, with the increased interest in spectrum planning, the FMAC was renamed the Spectrum Planning Advisory Committee. With increased emphasis on telecommunications policy matters, the advisory committee was renamed the Spectrum Planning and Policy Advisory Committee in 1993.

The National Telecommunications and

Information Administration Organization Act, Public Law 102-538, 106 Statute 3533, codified at 47 U.S.C. 901-904 (1992), Section 105(b), provides authority for NTIA to establish advisory committees, such as the SPAC, to assist in the performance of its functions. The Secretary of Commerce, after consultation with the General Services Administration, and having determined that the public interest will be served, hereby renews the charter of the Spectrum Planning and Policy Advisory Committee (the "Committee"), pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix 2.

### **1.5.2 Objectives and Duties**

1. The Committee will advise the Secretary of Commerce on radio frequency spectrum allocation and assignment planning, means by which the effectiveness of Federal Government spectrum management may be enhanced, and preparations for international conferences and activities on spectrum and telecommunications policy.

2. Specifically, the Committee will draw on the expertise of its members to advise NTIA by:

(a) reviewing, as appropriate, recommendations of the Interdepartment Radio Advisory Committee (IRAC);

(b) reviewing the progress of electromagnetic compatibility programs;

(c) providing leadership and recommendations for U.S. proposals on spectrum and other related telecommunications matters in the preparatory process for International Telecommunication Union (ITU) conferences, as well as regarding U.S. participation in activities of other international telecommunications organizations;

(d) providing strategic spectrum planning recommendations to fulfill future spectrum needs, including those spectrum allocation actions necessary to accomplish these plans; and

(e) providing recommendations to promote the effective and efficient use of the spectrum, including spectrum management techniques to promote increased shared use of the spectrum as a means of increasing commercial access. Such recommendations could, for example, address the feasibility of spectrum leasing and the desirability of

spectrum user fees.

3. The Committee will function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act.

### **1.5.3 Members and Chairperson**

1. The Committee shall consist of 15 non-Federal members and 4 Federal members to be appointed by the Secretary of Commerce. The non-Federal members shall be appointed as to ensure balanced representation of such interests and areas as manufacturing, analysis and planning, commercial and other operational spectrum use, telecommunications policy, infrastructure development, research, academia, and international negotiations. The Federal members shall be appointed to ensure a balanced representation.

2. The Chair of the Committee is the Secretary of Commerce or an individual appointed by the Secretary.

3. Members will be appointed for two year-terms and serve at the discretion of the Secretary. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

### **1.5.4 Administrative Provisions**

1. The Committee will report to the Secretary through the Assistant Secretary for Communications and Information.

2. Meetings will be held as often as necessary, at the call or with the approval of the responsible departmental official. It is estimated that the Committee will meet at least two times a year.

3. The Associate Administrator, Office of Spectrum Management, is the Designated Federal Official (DFO) for the Committee. The Office of Spectrum Management, National Telecommunications and Information Administration, will provide clerical and other necessary supporting services for the Committee.

4. Members of the Committee are special government employees (SGE) per 18 U.S.C. § 202, and will not be compensated for their services, but may, upon request, be allowed travel expenses as authorized by 5 U.S.C. § 5703.

5. The annual cost of operating the Committee is estimated at \$15,000. This includes one-tenth of a person year for staff support.

6. The Committee may establish such subcommittees of its members as may be necessary, subject to the provisions of the DOC Committee Management Handbook (Part II, Chapter 2, Section F). There will exist a standing subcommittee of the SPAC to accomplish broad preparatory work for the creation, coordination, and submission of U.S. positions to future Organization of American States Inter-American Telecommunications Conferences (CITEL)

7. Members of the Committee will require security clearances authorizing them to deal with and receive national security information classified up to and including "SECRET."

### **1.5.5 Duration**

The Committee shall terminate August 26, 2001 unless terminated earlier or renewed by proper authority and by appropriate action.

**Endnotes for Chapter 1**

1. Also represents the Transportation Systems Center of the Department of Transportation.
2. Also represents the Highway, Railroad, National Highway Traffic Safety, and Urban Mass Transit Administrations and the St. Lawrence Seaway Development Corporation of the Department of Transportation, and Maritime Administration.
3. Also represents the Transportation Systems Center of the Department of Transportation.
4. Also represents the International Boundary and Water Commission (U.S. Section) and the Tennessee Valley Authority.
5. Also represents the Federal Reserve System.
6. See endnotes to Section 1, Article III.
7. Also represents the Department of Education and Small Business Administration.
8. See endnotes to Section 1, Article III.
9. Also represents Department of Education and Small Business Administration.
10. See endnotes to Section 1, Article III.
11. See endnotes to Section 1, Article III.
12. Applicable to the IRAC, the EPS, the FAS, the RCS, the SPS, and the TSC, unless otherwise indicated.

**(Last Page in Chapter 1)**

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